

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 514I.1(2), the Department of Human Services proposes to amend Chapter 86, “Healthy and Well Kids in Iowa (HAWK-I) Program,” Iowa Administrative Code.

These amendments reflect programmatic changes affecting the HAWK-I Program as required by the federal Patient Protection and Affordable Care Act. These amendments specifically change the income guidelines to reflect the modified adjusted gross income (MAGI)-equivalent guidelines given to the state by the Centers for Medicare and Medicaid Services (CMS). MAGI is a national standard by which all states must consider family income when determining eligibility for participation in insurance affordability programs (Medicaid, Children’s Health Insurance Program (CHIP), and plans offered through the Health Insurance Marketplace/Exchange). CMS took the Department’s current income guidelines for eligibility and premiums and converted them to their MAGI-equivalent levels. The conversion took into account the deductions and disregards that were allowed under pre-MAGI rules but that are no longer allowed under the MAGI methodology.

Any interested person may make written comments on the proposed amendments on or before December 3, 2013. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 514I.1(2).

The following amendments are proposed.

ITEM 1. Amend **441—Chapter 86**, preamble, as follows:

PREAMBLE

These rules define and structure the department of human services healthy and well kids in Iowa (HAWK-I) program and establish requirements for the third-party administrator responsible for the program administration and for the participating health and dental plans that will be delivering services to the enrollees. The purpose of this program is to provide transitional health and dental care coverage to children who are ineligible for Title XIX (Medicaid) assistance as set forth in this chapter. ~~The program is implemented and administered in compliance with Title XXI of the federal Social Security Act. The rules establish requirements for the third-party administrator responsible for the program administration and for the participating health and dental plans that will be delivering services to the enrollees.~~ This chapter shall be construed to comply with all requirements for federal funding under Title XXI of the Social Security Act or under the terms of any applicable waiver of Title XXI requirements granted by the Secretary of the U.S. Department of Health and Human Services. To the extent this chapter is inconsistent with any applicable federal funding requirement under Title XXI or the terms of any applicable waiver, the requirements of Title XXI or the terms of the waiver shall prevail.

ITEM 2. Amend paragraph **86.2(2)“a”** as follows:

a. Countable income. In determining initial and ongoing eligibility for the HAWK-I program, countable income shall not exceed ~~300~~ 302 percent of the federal poverty level for a family of the same size. Countable income shall be determined using the modified adjusted gross income methodology.

ITEM 3. Amend subrule 86.8(1) as follows:

86.8(1) *Income considered.* The income considered in determining the premium amount shall be the family's countable income ~~minus 20 percent of the family's earned income~~ using the modified adjusted gross income methodology.

ITEM 4. Amend subrule 86.8(2) as follows:

86.8(2) *Premium amount.* Except as specified for supplemental dental-only coverage in subrule ~~86.20(4)~~ 86.20(3), premiums under the HAWK-I program shall be assessed as follows:

a. No premium is charged if:

(1) The eligible child is an American Indian or Alaskan Native; or

(2) The family's countable income is less than ~~150~~ 181 percent of the federal poverty level for a family of the same size.

b. If the family's countable income is equal to or exceeds ~~150~~ 181 percent of the federal poverty level for a family of the same size but does not exceed ~~200~~ 242 percent of the federal poverty level for a family of that size, the premium is \$10 per child per month with a \$20 monthly maximum per family.

c. If the family's countable income is equal to or exceeds ~~200~~ 243 percent of the federal poverty level for a family of the same size, the premium is \$20 per child per month with a \$40 monthly maximum per family.

ITEM 5. Amend subrule 86.20(3) as follows:

86.20(3) *Premiums.* Premiums for participation in the supplemental dental-only plan are assessed as follows:

a. No premium is charged to families who meet the provisions of ~~paragraph 86.8(2) "a."~~ subparagraph 86.8(2) "a"(1) or to families whose countable income is less than 152 percent of the federal poverty level for a family of the same size using the modified adjusted gross income methodology.

b. If the family's countable income is equal to or exceeds ~~150~~ 152 percent of the federal poverty level but does not exceed ~~200~~ 203 percent of the federal poverty level for a family of the same size, the premium is \$5 per child per month with a \$10 monthly maximum per family.

c. If the family's countable income exceeds ~~200~~ 203 percent of the federal poverty level but does not exceed ~~250~~ 254 percent of the federal poverty level for a family of the same size, the premium is \$10 per child per month with a \$15 monthly maximum per family.

d. If the family's countable income exceeds ~~250~~ 254 percent of the federal poverty level ~~but does not exceed 300 percent of the federal poverty level~~ for a family of the same size, the premium is \$15 per child per month with a \$20 monthly maximum per family.

e. and f. No change.